

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: \$59,980.00 U.S. Currency
CATS No. (22-CBP-000655)

Case No. 2:22-mc-51883

HONORABLE STEPHEN J. MURPHY, III

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**STIPULATION AND ORDER EXTENDING
UNITED STATES' TIME TO FILE FORFEITURE
COMPLAINT AND TO TOLL THE CIVIL FILING DEADLINE**

The parties submitted a stipulation to the Court's chambers to extend the deadline for the United States to file a forfeiture complaint and to toll the civil deadline. The Court will enter the stipulation.

WHEREFORE, it is hereby **ORDERED** that the stipulation of the parties is **ENTERED**.

IT IS FURTHER ORDERED that the time for the United States to file a forfeiture complaint and to toll the civil deadline is **EXTENDED** until **July 16, 2023**.

SO ORDERED.

s/ Stephen J. Murphy, III

STEPHEN J. MURPHY, III

United States District Judge

Dated: April 11, 2023

STIPULATION

It is hereby stipulated by and between the United States of America, by and through its undersigned attorneys, and Administrative Claimant Nathir Hermez, by and through his attorney, as follows:

1. On July 6, 2022, the U.S. Customs and Border Protection, Homeland Security Investigations (“CBP”) seized pursuant to a federal search warrant the following property from Nathir Hermez and Quality Collision Auto Parts:

- \$59,980.00 in U.S. currency from within the business entity at 5523 E. Nine Mile Road, Warren, Michigan 48091 (22-CBP-000655) (referred to herein as the “Property”).

2. The Parties acknowledge and stipulate that CBP provided notice as required by 18 U.S.C. § 983(a)(1)(A) of the seizure and its intent to administratively forfeit the Property to all known interested parties, including to Nathir Hermez and Quality Collision Auto Parts.

3. Quality Collision Auto Parts and Nathir Hermez, individually, (“Claimants”) filed timely claims in the administrative forfeiture proceeding with CBP regarding the Property. No other person has filed a claim to the Property in the administrative forfeiture proceeding.

4. CBP referred the administrative claim to the United States Attorney’s Office for civil judicial forfeiture proceedings.

5. Pursuant to 18 U.S.C. § 983(a)(3)(A) and (B), within 90 days after a claim has been filed in an administrative forfeiture proceeding, the United States is required to do one of the following:

- (a) file a complaint for forfeiture against the claimed property,
- (b) return the claimed property, or
- (c) include the claimed property for forfeiture in a criminal action, in order for the United States to take further action to effect the civil forfeiture of the claimed property in connection with the underlying offense, unless the court extends the deadline for good cause shown or by agreement of the parties. In this case, the Subject Property deadline, pursuant to the prior Stipulated Order Extending the United States' Time to File a Forfeiture Complaint and to Toll the Civil Filing Deadline entered on December 22, 2022, would be **April 17, 2023**.

6. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend the 90-day deadline set forth in 18 U.S.C. § 983(a)(3)(A) and (B), and to toll the deadline, in order for the parties to have a reasonable and sufficient period in which to evaluate their respective interests in and positions regarding the Property.

7. Claimants knowingly, intelligently, and voluntarily give up any rights they may have under 18 U.S.C. § 983(a)(3)(A) and (B) to require the United States to file a complaint for forfeiture against the Property, to return the Property, and/or to include the Property for forfeiture in a criminal action by **April 17, 2023**.

8. The parties agree that the deadline by which the United States shall be required to file a complaint for forfeiture against the Property, return the Property, and/or to include the Property for forfeiture in a criminal action to toll the civil filing deadline shall be extended **90 days** from **April 17, 2023** to and including **July 16, 2023**.

9. Claimants waive all constitutional and statutory challenges related to the foregoing extension and give up any rights they may have to seek dismissal of any civil forfeiture complaint and/or any criminal forfeiture allegation

in a criminal action on the ground that forfeiture proceedings were not timely commenced. Claimants further waive and agree to the tolling of any rule or provision of law limiting the time for commencing, or providing notice of, forfeiture proceedings with respect to the Property, including, but not limited to, the limitations contained in 18 U.S.C. § 983 and 19 U.S.C. § 1621.

10. Claimants agree that until the United States files a complaint for forfeiture against the Property and/or alleges forfeiture of the Property in a criminal action, or until **July 16, 2023**, whichever occurs first, the Property shall remain in the custody of the United States and they shall not seek its return for any reason in any manner.

11. By signing below, Eric M. Nemeth, Esq. declares that prior to signing this Stipulation, he provided a copy of it to the Claimants, reviewed it with them, consulted with them regarding its contents, answered any questions they had about it, determined that they understand its terms and are aware of their rights in this

matter, and Claimants authorized Mr. Nemeth to sign this Stipulation.

12. By their signatures below, the Parties agree to all of the terms and conditions stated herein.

Based upon the foregoing, and the record in this case, the Parties respectfully request this Court to enter this Stipulated Order Extending United States' Time to File a Forfeiture Complaint and to Toll the Civil Deadline.

Approved as to form and substance:

Dawn N. Ison
United States Attorney

s/Catherine Morris
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Dated: April 7, 2023

s/Eric M. Nemeth (with Consent)
Mr. Eric M. Nemeth, Esq.
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Dated: April 7, 2023